

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 241

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ORDERS PROHIBITING CONDUCT; AMENDING SECTION 18-920, IDAHO CODE, TO REDESIGNATE NO CONTACT ORDERS AS ORDERS PROHIBITING CONDUCT, TO REVISE A PROVISION CONCERNING THE ISSUANCE OF AN ORDER PROHIBITING CONDUCT, TO PROVIDE THAT THE ORDER SHALL DEFINE PROHIBITED CONDUCT, TO PROVIDE THAT THE ORDER SHALL BE SERVED ON THE DEFENDANT PRIOR TO ENFORCEMENT AND TO REVISE PROVISIONS CONCERNING WHEN A VIOLATION OF AN ORDER PROHIBITING CONDUCT IS COMMITTED.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 18-920, Idaho Code, be, and the same is hereby amended to read as follows:

18-920. VIOLATION OF ~~NO CONTACT~~ AN ORDER PROHIBITING CONDUCT. (1) When a person is charged with or convicted of an offense under section 18-901, 18-903, 18-905, 18-907, 18-909, 18-911, 18-913, 18-915, 18-918, 18-919, 18-6710, 18-6711, 18-7905, 18-7906 or 39-6312, Idaho Code, or any other offense for which a court finds that an no contact order prohibiting conduct is appropriate, the court may issue an order forbidding contact with another person may be issued the defendant from engaging in prohibited conduct defined by the order. The order shall define prohibited conduct and shall be served on the defendant prior to enforcement. An no contact order prohibiting conduct may be imposed by the court or by Idaho criminal rule.

(2) A violation of an no contact order prohibiting conduct is committed when:

(a) A person has been charged or convicted under any offense defined in subsection (1) of this section or under any other offense for which a court finds that an order prohibiting conduct is appropriate; and

(b) An no contact order prohibiting conduct has been issued, either by a court or by an Idaho criminal rule; and

(c) The person charged or convicted has ~~had contact with the stated person~~ known knowingly engaged in conduct that is in violation of an the order.

(3) A violation of an no contact order prohibiting conduct is punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment in the county jail not to exceed one (1) year, or both. Any person who pleads guilty to or is found guilty of a violation of this section who previously has pled guilty to or been found guilty of two (2) violations of this section, or of any substantially conforming foreign criminal violation or any combination thereof, notwithstanding the form of the judgment or withheld judgment, within five (5) years of the first conviction, shall be guilty of a felony and shall be punished by imprisonment in the state prison for a term not to exceed five (5) years or by a fine not to exceed five thousand dollars (\$5,000), or by both fine and imprisonment. No bond shall be set for this violation until the person charged is brought before the court which will set bond. Fur-

1 ther, any such violation may result in the increase, revocation or modifica-
2 tion of the bond set in the underlying charge for which the ~~no-contact~~ order
3 prohibiting conduct was imposed.

4 (4) A peace officer may arrest without a warrant and take into custody a
5 person whom the peace officer has probable cause to believe has violated an
6 ~~no-contact~~ order prohibiting conduct issued under this section if the person
7 restrained had notice of the order.

8 (5) For purposes of this section, a substantially conforming foreign
9 criminal violation exists when a person has pled guilty to or been found
10 guilty of a violation of any federal law or law of another state, or any valid
11 county, city or town ordinance of another state, substantially conforming
12 with the provisions of this section. The determination of whether a foreign
13 criminal violation is substantially conforming is a question of law to be
14 determined by the court.